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WESTERN DISTRICT OF TEXAS
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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS**

NATIONAL PHOTO GROUP, LLC,

Plaintiff,

vs.

CLEAR CHANNEL COMMUNICATIONS,
INC.; WRVW FM 107.5; WUSY FM 101;
KZHT FM 97.1; KHFI FM 96.7; WSNX FM
104.5; WVKS FM 92.5; KPTT FM 95.7;
WUBL FM 94.9; KZCH FM 96.3; KPEK FM
100.3; and WYYD FM 107.9,

Defendants.

Docket No:

DEMAND FOR JURY TRIAL

COMPLAINT FOR:

COPYRIGHT INFRINGEMENT

NATIONAL PHOTO GROUP, LLC, by and through its undersigned counsel, states and alleges as follows:

INTRODUCTION

1. Plaintiff NATIONAL PHOTO GROUP, LLC, ("NPG") provides entertainment-related photojournalism goods and services. In particular, NPG owns the rights to a multitude of photographs featuring celebrities, which it licenses to online and print publications.

2. NPG's portfolio of celebrity photographs is the bread and butter of its business.

3. NPG has obtained U.S. copyright registrations covering many of its photographs, and others are the subject of pending copyright applications.

4. Defendants WRVW FM 107.5 ("WRVW") and/or CLEAR CHANNEL COMMUNICATIONS, INC. ("CCCI") own and operate a radio station website known as: www.1075theriver.com.

5. Defendants WUSY FM 101 ("WUSY") and/or CCCI own and operate a radio station website known as: www.us101country.com.

6. Defendants KZHT FM 97.1 ("KZHT") and/or CCCI own and operate a radio station website known as: www.971zht.com.

7. Defendants KHFI FM 96.7 ("KHFI") and/or CCCI own and operate a radio station website known as: www.967kissfm.com.

8. Defendants WSNX FM 104.5 ("WSNX") and/or CCCI own and operate a radio station website known as: www.1045snx.com.

9. Defendants WVKF FM 92.5 ("WVKF") and/or CCCI own and operate a radio station website known as: www.925kissfm.com.

10. Defendants KPTT FM 95.7 ("KPTT") and/or CCCI own and operate a radio station website known as: www.957theparty.com.

11. Defendants WUBL FM 94.9 ("WUBL") and/or CCCI own and operate a radio station website known as: www.949thebull.com.

12. Defendants KZCH FM 96.3 ("KZCH") and/or CCCI own and operate a radio station website known as: www.channel963.com.

13. Defendants KPEK FM 100.3 (“KPEK”) and/or CCCI own and operate a radio station website known as: www.1003thepeak.com.

14. Defendants WYYD FM 107.9 (“WYYD”) and/or CCCI own and operate a radio station website known as: www.country1079.com.

15. Defendants WRVW, WUSY, KZHT, KHFI, WSNX, WVKS, KPTT, WUBL, KZCH, KPEK and WYYD are collectively referred to herein as the “radio station defendants.”

16. The foregoing radio station websites are collectively referred to herein as the “Websites.”

17. Without permission or authorization from NPG, the radio station defendants and/or CCCI copied, modified, and displayed NPG’s photographs on the Websites.

18. The radio station defendants and/or CCCI engaged in this misconduct knowingly and in violation of the United States copyright laws.

19. NPG has been substantially harmed as a result of the misconduct of the radio station defendants and/or CCCI.

JURISDICTION AND VENUE

20. This Court has subject matter jurisdiction over the federal copyright infringement claims pursuant to 28 U.S.C. §1338(a) and 28 U.S.C. §1331. The Court has supplemental jurisdiction over the claims arising under state law pursuant to 28 U.S.C. §1367(a) in that the state claims are so related to the claims over which the court has original jurisdiction that they form part of the same case or controversy.

21. This Court has personal jurisdiction over the radio station defendants and CCCI because, upon information and belief, CCCI owns each of the respective radio station defendants and CCCI maintains its principal place of business in Bexar County, Texas.

22. Venue is proper under 28 U.S.C. §1391(a)(2) because CCCI does business in this Judicial District or because a substantial part of the events or omissions giving rise to the claim occurred in this Judicial District.

PARTIES

23. NPG is a California limited liability company and maintains its principal place of business in Los Angeles County, California.

24. WRVW is an FM radio station located in Nashville, Tennessee.

25. WUSY is an FM radio station located in Chattanooga, Tennessee.

26. KZHT is an FM radio station located in Salt Lake City, Utah.

27. KHFI is an FM radio station located in Austin, Texas.

28. WSNX is an FM radio station located in Grand Rapids, Michigan.

29. WVKS is an FM radio station located in Toledo, Ohio.

30. KPTT is an FM radio station located in Denver, Colorado.

31. WUBL is an FM radio station located in Atlanta, Georgia.

32. KZCH is an FM radio station located in Wichita, Kansas.

33. KPEK is an FM radio station located in Albuquerque, New Mexico.

34. WYYD is an FM radio station located in Amherst, Virginia.

35. CCCI is a domestic business corporation with a principal place of business located in Bexar County, Texas.

36. The radio station defendants and CCCI are liable and responsible to Plaintiff based on the facts herein alleged.

FACTUAL ALLEGATIONS

NPG's Business

37. NPG provides entertainment-related photojournalism goods and services. In particular, NPG owns the rights to a multitude of photographs which it licenses to online and print publications.

38. NPG has invested significant time and money in building its photograph portfolio.

NPG's Copyrights

39. NPG has obtained U.S. copyright registrations covering many of its photographs, and others are the subject of pending copyright applications.

40. NPG's photographs are original, creative works in which NPG owns protectable copyright interests.

41. NPG owns several active and valid copyright registrations with the United States Copyright Office (the "USCO"), which registrations cover NPG's photographs.

42. NPG also has filed several copyright applications with the USCO, which are presently pending.

43. NPG applied for and received a copyright registration for a collection of photographs, USCO Copyright Registration No. VA 0001836372 which included photographs of Jason Aldean and Brittany Kerr (the "Aldean/Kerr Photographs").

44. NPG applied for and received a copyright registration for a collection of photographs, USCO Copyright Registration No. VA 0001793252 which included a photograph of Ashton Kutcher and Demi Moore (the "Kutcher/Moore Photograph").

45. NPG applied for and received a copyright registration for a collection of photographs, USCO Copyright Registration No. VA 0001806514 which included photographs of Drew Barrymore (the "Barrymore Photographs").

46. NPG applied for and received a copyright registration for a collection of photographs, USCO Copyright Registration No. VA 0001806495 which included a photograph of Demi Moore (the "Moore Photograph").

47. NPG applied for and received a copyright registration for a collection of photographs, USCO Copyright Registration No. VA 0001836367 which included a photograph of Liberty Ross (the "Ross Photograph").

48. NPG applied for and received a copyright registration for a collection of photographs, USCO Copyright Registration No. VA 0001794499 which included photographs of Prince Harry of Wales (the "Prince Harry Photographs").

The Websites

49. On information and belief, CCCI is the registered owner of each of the respective Websites.

50. On information and belief, each radio station defendant and/or CCCI operate a corresponding website for that particular radio station defendant and are responsible for all of the content on such website.

51. Each website provides articles, photographs and other information regarding the particular radio station defendant and specifically include content about popular culture and celebrities.

52. The Websites are monetized in that each contain paid advertisements. On information and belief, the radio station defendants and/or CCCI profit from these activities.

The Misconduct of CCCI and the Radio Station Defendants

53. Without permission or authorization from NPG, the radio station defendants and/or CCCI copied, modified, and/or displayed NPG's photographs on the Websites, in violation of NPG's copyrights. See Exhibit 1 annexed hereto.

54. The Aldean/Kerr Photographs were copied, modified, and/or displayed by: WRVW and/or CCCI on www.1075theriver.com; WUSY and/or CCCI on www.us101country.com; KZHT and/or CCCI on www.971zht.com; WUBL and/or CCCI on www.949thebull.com; and, WYYD and/or CCCI on www.country1079.com, without permission or authorization from NPG and in violation of NPG's copyrights.

55. The Kutcher/Moore Photograph was copied, modified, and/or displayed by: KHFI and/or CCCI on www.967kissfm.com; KPTT and/or CCCI on www.957theparty.com; and, KZCH and/or CCCI on www.channel963.com, without permission or authorization from NPG and in violation of NPG's copyright.

56. The Barrymore Photographs were copied, modified, and/or displayed by: WSNX and/or CCCI on www.1045snx.com; WVKs and/or CCCI on www.925kissfm.com; WUBL and/or CCCI on www.949thebull.com; and, KZCH and/or CCCI on www.channel963.com, without permission or authorization from NPG and in violation of NPG's copyright.

57. The Moore Photograph was copied, modified, and/or displayed by: KHFI and/or CCCI on www.967kissfm.com; and, KZCH and/or CCCI on www.channel963.com, without permission from NPG and in violation of NPG's copyright.

58. The Ross Photograph was copied, modified, and/or displayed by: KPEK and/or CCCI on www.1003thepeak.com, without permission or authorization from NPG and in violation of NPG's copyright.

59. The Prince Harry Photographs were copied, modified, and/or displayed by: KPEK and/or CCCI on www.1003thepeak.com, without permission or authorization from NPG and in violation of NPG's copyrights.

60. On information and belief, NPG's photographs were copied from the website(s) of NPG's Clients and reposted on the Websites without license or permission, thereby infringing on the Copyrights (the "Infringements").

61. On information and belief, the radio station defendants and CCCI were aware of facts or circumstances from which the Infringements were apparent. Based on this totality of circumstances, the radio station defendants and CCCI cannot claim that they are not aware of the widespread infringing activities, including the Infringements, on the Websites. Such a claim would amount to willful blindness to the Infringements on the part of the radio station defendants and CCCI.

62. On information and belief, the radio station defendants and CCCI engaged in the Infringements knowingly and in violation of United States copyright laws.

63. On information and belief, the radio station defendants and CCCI have received a financial benefit directly attributable to the Infringements. Specifically, by way of the Infringements, the radio station defendants and CCCI increased traffic to the Websites and, in turn, realized an increase in advertising revenues and/or merchandise sales.

64. As a result of the misconduct of the radio station defendants and CCCI, NPG has been substantially harmed.

FIRST COUNT

(Copyright Infringement, 17 U.S.C. § 501 *et seq.*)

65. NPG repeats and incorporates by reference the allegations contained in the preceding paragraphs, as though set forth in full herein.

66. The (1) Aldean/Kerr Photographs; (2) Kutcher/Moore Photograph; (3) Barrymore Photographs; (4) Moore Photograph; (5) Ross Photograph; and (6) Prince Harry Photographs, are original, creative works in which NPG owns protectable copyright interests.

67. NPG has not licensed the radio station defendants and CCCI or any of their users to use NPG's photographs in any manner, nor has NPG assigned any of its exclusive rights in the Copyrights to the radio station defendants and CCCI.

68. Without permission or authorization from NPG and in willful violation of NPG's rights under 17 U.S.C. §106, the radio station defendants and CCCI reproduced NPG's photographs.

69. On information and belief, without permission or authorization from NPG and in willful violation of NPG's rights under 17 U.S.C. § 106, the radio station defendants and CCCI displayed NPG's Photographs on the Websites.

70. The reproduction of NPG's Photographs and display of NPG's Photographs on the Websites by the radio station defendants and CCCI constitutes copyright infringement.

71. On information and belief, thousands of people have viewed the unlawful copies of NPG's Photographs on the Websites.

72. On information and belief, the radio station defendants and CCCI had knowledge of the copyright infringements alleged herein and had the ability to stop the reproduction and display of NPG's copyrighted material.

73. The Defendants' copyright infringements have damaged NPG in an amount to be proven at trial.

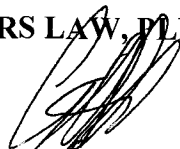
PRAYER FOR RELIEF

WHEREFORE, NPG respectfully requests judgment as follows:

1. That the Court enter a judgment finding that the Defendants have infringed on NPG's Copyrights in NPG's photographs in violation of 17 U.S.C. § 501 et seq.;
2. That the Court award damages and monetary relief as follows:
 - a. Statutory damages against the Defendants pursuant to 17 U.S.C. § 504(c) of \$150,000 per infringement or in the alternative NPG's actual damages and Defendants' wrongful profits in an amount to be proven at trial;
 - b. NPG's attorneys' fees pursuant to 17 U.S.C. § 505;
 - c. NPG's costs; and
3. Such other relief that the Court determines is just and proper.

DATED: June 20, 2013

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REQUEST FOR JURY TRIAL

Plaintiff hereby demands a trial of this action by jury.

DATED: June 20, 2013

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